

UNITED STATES OF AMERICA,  
PLAINTIFF,  
VS.  
KEVIN JIMENEZ-CASTILLO,  
DEFENDANT.

ATLANTA, GEORGIA  
JANUARY 23, 2009

1           (IN ATLANTA, FULTON COUNTY, GEORGIA, JANUARY 23, 2009, IN  
2 OPEN COURT.)

3           THE COURT: GOOD AFTERNOON. YOU CAN BE SEATED. WE  
4 WILL SWEAR OUR INTERPRETER.

5                        (INTERPRETER SWORN.)

6           THE INTERPRETER: MY NAME IS ANTONIO GAVILANEZ. GOOD  
7 AFTERNOON.

8           THE COURT: GOOD AFTERNOON. THANK YOU FOR BEING WITH  
9 US.

10          AND WE HAVE MS. HATHAWAY AND MR. TAYLOR; CORRECT?

11          MR. TAYLOR: YES, YOUR HONOR.

12          THE COURT: MR. TAYLOR, SHOULD I REFER TO YOUR CLIENT  
13 AS MR. JIMENEZ, MR. CASTILLO, OR MR. JIMENEZ-CASTILLO?

14          MR. TAYLOR: MR. JIMENEZ IS FINE, YOUR HONOR. THANK  
15 YOU.

16          THE COURT: OKAY. WOULD YOU LIKE TO VERIFY THE  
17 SIGNATURES, PLEASE?

18          MS. HATHAWAY: YES, YOUR HONOR.

19          MR. CASTILLO -- OR, EXCUSE ME, MR. JIMENEZ, I'M SHOWING YOU  
20 THE PLEA AGREEMENT THAT SETS FORTH THE AGREEMENT THAT YOU HAVE  
21 WITH THE GOVERNMENT TO PLEAD TO COUNTS ONE AND 20 OF THE  
22 INDICTMENT. ON PAGE 11 OF THE AGREEMENT ON THE RIGHT-HAND SIDE  
23 ABOVE YOUR PRINTED NAME THERE'S A HANDWRITTEN NAME. DID YOU  
24 SIGN THAT, SIR?

25          MR. JIMENEZ-CASTILLO: YES, MA'AM.

1 MS. HATHAWAY: AND THEN ON PAGE 12 ABOVE THE LINE THAT  
2 SAYS SIGNATURE OF DEFENDANT, THERE IS A HANDWRITTEN NAME. DID  
3 YOU SIGN THAT AS WELL?

4 MR. JIMENEZ-CASTILLO: YES, I DID.

5 MS. HATHAWAY: AND, MR. TAYLOR, ON BEHALF OF  
6 MR. JIMENEZ ALSO ON PAGE 11 THERE'S A SIGNATURE OVER YOUR  
7 PRINTED NAME. IS THAT YOUR SIGNATURE, SIR?

8 MR. TAYLOR: YES.

9 MS. HATHAWAY: AND THEN ON PAGE 12 OVER THE LINE THAT  
10 SAYS SIGNATURE DEFENSE ATTORNEY, IS THAT YOUR SIGNATURE?

11 MR. TAYLOR: YES.

12 MS. HATHAWAY: AND THEN, YOUR HONOR, I HAVE SIGNED IT  
13 AS WELL AS MS. TURNER AND MR. THOMAS ON BEHALF OF THE UNITED  
14 STATES.

15 THE COURT: GREAT. THANK YOU.

16 CAN I GET YOU ALL TO COME UP TO THE PODIUM, PLEASE?

17 MR. JIMENEZ, I'M GOING TO SPEND SOME TIME THIS AFTERNOON  
18 GOING OVER WITH YOU ALL THE RIGHTS THAT YOU'RE GUARANTEED WHEN  
19 YOU'RE ACCUSED OF A CRIME AND THE RIGHTS THAT YOU WOULD BE  
20 WAIVING IF YOU PLEAD GUILTY TO THIS CRIME. THEN I ALSO AM GOING  
21 TO TALK TO YOU ABOUT THE CONSEQUENCES THAT WILL FLOW FROM YOUR  
22 PLEA OF GUILTY TO THESE TWO COUNTS. IT MAY SOUND LIKE I'M  
23 TRYING TO TALK YOU OUT OF PLEADING GUILTY. I'M NOT. I JUST  
24 WANT YOU TO BE FULLY INFORMED ABOUT YOUR RIGHTS AND THE  
25 CONSEQUENCES OF PLEADING GUILTY. DO YOU UNDERSTAND THAT?

1 MR. JIMENEZ-CASTILLO: YES, MA'AM.

2 THE COURT: ALL RIGHT. I NEED TO ASK YOU SOME  
3 QUESTIONS, AND BEFORE I DO THAT WE'RE GOING TO ASK YOU TO TAKE  
4 AN OATH. WOULD YOU RAISE YOUR RIGHT HAND.

5 KEVIN JIMENEZ-CASTILLO

6 AFTER HAVING BEEN FIRST DULY SWORN, TESTIFIED AS FOLLOWS:

7 EXAMINATION

8 BY THE COURT:

9 Q. ALL RIGHT. THANK YOU. A COUPLE OF THINGS ABOUT THE OATH.  
10 NOW, YOU'VE SWORN TO ANSWER MY QUESTIONS TRUTHFULLY. THAT MEANS  
11 IF YOU TELL ME A LIE YOU CAN BE CHARGED WITH PERJURY. DO YOU  
12 UNDERSTAND THAT?

13 A. YES, YOUR HONOR.

14 Q. FOR THAT REASON, IF I SAY SOMETHING TO YOU THAT YOU DON'T  
15 UNDERSTAND OR IF THERE'S A PROBLEM WITH THE TRANSLATION, ANY  
16 QUESTIONS ABOUT WHAT I'M TRYING TO COMMUNICATE TO YOU, PLEASE  
17 TELL ME SO THAT I CAN TRY TO CLEAR THINGS UP BEFORE WE PROCEED.  
18 ALL RIGHT?

19 A. THAT WILL BE FINE, YOUR HONOR.

20 Q. THE FIRST FEW QUESTIONS I NEED TO ASK YOU RELATE TO WHETHER  
21 OR NOT YOU'RE COMPETENT TO UNDERSTAND WHERE YOU ARE AND WHAT  
22 YOU'RE DOING HERE TODAY. WOULD YOU TELL ME FIRST, PLEASE, HOW  
23 OLD YOU ARE.

24 A. 34 YEARS OLD.

25 Q. AND HOW MUCH EDUCATION DO YOU HAVE?

1 A. FIVE YEARS.

2 THE COURT: ALL RIGHT. MR. TAYLOR, DO YOU SPEAK  
3 SPANISH?

4 MR. TAYLOR: YES, YOUR HONOR.

5 THE COURT: YOU DO. SO YOU'VE BEEN ABLE TO  
6 COMMUNICATE WITH YOUR CLIENT?

7 MR. TAYLOR: YES, YOUR HONOR.

8 THE COURT: ANY PROBLEMS COMMUNICATING WITH HIM AT  
9 ALL?

10 MR. TAYLOR: NONE WHATSOEVER.

11 BY THE COURT:

12 Q. OKAY. MR. JIMENEZ, HAVE YOU TAKEN ANY NARCOTIC DRUGS OR  
13 OTHER MEDICINES IN THE LAST 24 HOURS?

14 A. NO, YOUR HONOR.

15 Q. ARE YOU UNDER THE INFLUENCE OF ALCOHOL?

16 A. NO, YOUR HONOR.

17 Q. ALL RIGHT. HAVE YOU BEEN TREATED RECENTLY FOR ANY TYPE OF  
18 MENTAL ILLNESS OR ADDICTION TO NARCOTIC DRUGS?

19 A. NO, YOUR HONOR.

20 THE COURT: ALL RIGHT. MR. TAYLOR, HAS MR. JIMENEZ  
21 TOLD YOU ANYTHING ABOUT DRUGS, ALCOHOL, ANYTHING RELATED TO HIS  
22 MENTAL STATE THAT MIGHT INTERFERE WITH HIS ABILITY TO UNDERSTAND  
23 WHAT WE'RE DOING HERE TODAY.

24 A. NO, YOUR HONOR.

25 Q. DO YOU HAVE ANY DOUBT ABOUT HIS COMPETENCE TO OFFER A PLEA

1 OF GUILTY TO THESE CHARGES?

2 A. NO, YOUR HONOR.

3 Q. ALL RIGHT. THANK YOU. NOW, MR. JIMENEZ, I'M GOING TO GO  
4 OVER WITH YOU ALL OF THE RIGHTS THAT YOU'RE GUARANTEED WHEN  
5 YOU'RE ACCUSED OF A CRIME, AND AS I MENTIONED, MANY OF THESE  
6 RIGHTS YOU WOULD BE WAIVING IF I ACCEPT YOUR OFFER OF A PLEA OF  
7 GUILTY TO THE CHARGES. DO YOU UNDERSTAND THAT UNDER THE  
8 CONSTITUTION AND THE LAWS OF THE UNITED STATES YOU HAVE THE  
9 RIGHT TO PLEAD GUILTY (SIC) TO THESE CHARGES AND MAINTAIN YOUR  
10 PLEA OF NOT GUILTY UP TO AND THROUGH A TRIAL BY A JURY?

11 A. YES, YOUR HONOR.

12 Q. DO YOU UNDERSTAND THAT YOU'RE ENTITLED TO A SPEEDY AND A  
13 PUBLIC TRIAL BY A JURY OR A JUDGE ON THE CHARGES CONTAINED IN  
14 THE INDICTMENT AGAINST YOU?

15 A. YES, YOUR HONOR.

16 Q. DO YOU UNDERSTAND THAT AT YOUR TRIAL YOU WOULD HAVE THE  
17 RIGHT TO HAVE A LAWYER REPRESENT YOU, AND IF YOU CANNOT AFFORD A  
18 LAWYER, ONE WOULD BE APPOINTED TO REPRESENT YOU?

19 A. YES, YOUR HONOR.

20 Q. DO YOU UNDERSTAND THAT AT YOUR TRIAL YOU WOULD BE PRESUMED  
21 TO BE INNOCENT AND THE GOVERNMENT WOULD BE REQUIRED TO OVERCOME  
22 THAT PRESUMPTION BY COMPETENT EVIDENCE AND BEYOND A REASONABLE  
23 DOUBT?

24 A. YES, YOUR HONOR.

25 Q. DO YOU UNDERSTAND THAT AT YOUR TRIAL YOU WOULD HAVE THE

1 RIGHT TO SUBPOENA WITNESSES AND CAUSE THEM TO COME TO THE TRIAL  
2 AND TESTIFY?

3 A. YES, YOUR HONOR.

4 Q. DO YOU UNDERSTAND THAT DURING THE COURSE OF THE TRIAL THE  
5 WITNESSES AGAINST YOU WOULD BE REQUIRED TO TESTIFY IN YOUR  
6 PRESENCE?

7 A. YES, YOUR HONOR.

8 Q. DO YOU UNDERSTAND THAT DURING THE TRIAL YOUR LAWYER WOULD  
9 HAVE THE RIGHT TO CROSS-EXAMINE THE WITNESSES AGAINST YOU, HE  
10 COULD OBJECT TO EVIDENCE OFFERED AGAINST YOU, AND HE COULD OFFER  
11 EVIDENCE ON YOUR BEHALF?

12 A. YES, YOUR HONOR.

13 Q. DO YOU UNDERSTAND THAT AT YOUR TRIAL YOU WOULD HAVE THE  
14 RIGHT TO TESTIFY IF YOU WANTED TO, BUT YOU ALSO HAVE THE  
15 CONSTITUTIONAL RIGHT NOT TO TESTIFY?

16 A. YES, YOUR HONOR.

17 Q. ALL RIGHT. DO YOU UNDERSTAND THAT IF YOU CHOSE NOT TO  
18 TESTIFY OR IF YOU CHOSE TO PUT ON NO EVIDENCE AT ALL, THAT THOSE  
19 FACTS CANNOT BE USED AGAINST YOU?

20 A. YES, YOUR HONOR.

21 Q. DO YOU UNDERSTAND THAT IF I ACCEPT YOUR OFFER OF A PLEA OF  
22 GUILTY YOU'LL WAIVE EACH OF THESE RIGHTS?

23 A. YES, YOUR HONOR.

24 Q. SO WHAT WILL HAPPEN IF I ACCEPT YOUR OFFER OF A PLEA OF  
25 GUILTY, YOU WON'T HAVE A TRIAL, BUT I'LL ENTER A JUDGMENT OF

1 GUILT IN YOUR CASE AND YOU'LL BE SENTENCED BASED ON YOUR GUILTY  
2 PLEA ALONE.

3 A. YES, YOUR HONOR.

4 Q. I WANTED TO BE SURE YOU UNDERSTOOD AS WELL THAT BY PLEADING  
5 GUILTY THERE WILL NEVER BE A JURY IN YOUR CASE, AND THAT CAN  
6 AFFECT HOW YOUR SENTENCING PROCEEDS. WHAT THAT MEANS IS IF WHEN  
7 I SENTENCE YOU THERE'S A DISPUTE ABOUT SOME FACT IN YOUR CASE, A  
8 JURY WILL NOT DECIDE THAT DISPUTE, BUT I WILL. DO YOU  
9 UNDERSTAND THAT?

10 A. YES, YOUR HONOR.

11 Q. AND, FINALLY, YOU HAVE A RIGHT NOT TO INCRIMINATE YOURSELF,  
12 AND I NEED TO BE SURE YOU UNDERSTAND THAT BY PLEADING GUILTY  
13 YOU'LL HAVE TO WAIVE THAT RIGHT AS WELL SO THAT I CAN ASK YOU  
14 ABOUT WHAT YOU DID TO BE SURE THAT IT'S APPROPRIATE FOR YOU TO  
15 PLEAD GUILTY TO THESE CHARGES. DO YOU UNDERSTAND THAT?

16 A. YES, YOUR HONOR.

17 Q. ALL RIGHT. ARE YOU WILLING TO WAIVE AND GIVE UP YOUR RIGHT  
18 TO A TRIAL AND ALL THE RIGHTS I'VE JUST TALKED TO YOU ABOUT?

19 A. YES, YOUR HONOR.

20 Q. I THINK I DID THIS YESTERDAY, TOO. I'M NOT GOING TO  
21 SENTENCE YOU, MR. JIMENEZ. ANOTHER JUDGE IS GOING TO. AND SO I  
22 HAD JUST SAID, "WHEN I SENTENCE YOU," THAT'S REALLY NOT RIGHT.  
23 IT WILL BE JUDGE PANELL THAT SENTENCES YOU. DO YOU UNDERSTAND?

24 A. THAT WILL BE FINE, YOUR HONOR.

25 THE COURT: I MISSPOKE. NOW I'M GOING TO GO OVER YOUR



1 AGREEMENT WITH THE GOVERNMENT WITH YOU, AND THE WAY I'M GOING TO  
2 DO THAT IS ASK MS. HATHAWAY TO DESCRIBE THAT AGREEMENT. AND I  
3 NEED YOU TO LISTEN TO WHAT SHE SAYS BECAUSE I'M GOING TO ASK YOU  
4 ABOUT IT.

5 MS. HATHAWAY: YES, YOUR HONOR. PARAGRAPH ONE OF THE  
6 AGREEMENT GOES OVER THE ELEMENTS OF THE OFFENSE TO WHICH THE  
7 DEFENDANT IS PLEADING GUILTY. THERE ARE TWO OFFENSES. ONE IS  
8 COUNT ONE, THE DRUG TRAFFICKING CONSPIRACY, AND SECOND IS COUNT  
9 20, THE MONEY LAUNDERING CONSPIRACY. IN THAT PARAGRAPH THE  
10 DEFENDANT IS ADMITTING THAT HE IS PLEADING GUILTY BECAUSE HE IN  
11 FACT COMMITTED THOSE TWO OFFENSES. IN PARAGRAPH TWO IS A NOTICE  
12 THAT IN ORDER FOR THE DEFENDANT TO BE SUBJECT TO THE STATUTORY  
13 MAXIMUM AND MINIMUM SENTENCES THAT ARE SET FORTH A LITTLE  
14 FURTHER IN THE AGREEMENT, THAT THE GOVERNMENT WOULD HAVE TO  
15 PROVE THAT THE OFFENSE INVOLVED -- EXCUSE ME, THE OFFENSE  
16 INVOLVED -- IN COUNT ONE INVOLVED AT LEAST FIVE KILOGRAMS OF A  
17 MIXTURE OR SUBSTANCE CONTAINING A DETECTIBLE AMOUNT OF COCAINE.  
18 AND THE DEFENDANT IS AGREEING THAT THE DRUG TRAFFICKING OFFENSE  
19 DID IN FACT INVOLVE AT LEAST FIVE KILOS OF COCAINE.

20 PARAGRAPH THREE SETS FORTH THE CONSTITUTIONAL RIGHTS THAT  
21 THE DEFENDANT WILL BE WAIVING BY ENTERING IN THIS AGREEMENT.  
22 COUNT FOUR -- EXCUSE ME, COUNT FOUR -- PARAGRAPH FOUR SETS FORTH  
23 THE PENALTIES TO WHICH THE DEFENDANT IS SUBJECT TO FOR PLEADING  
24 TO THESE OFFENSES. IT ALSO SETS FORTH THAT THE -- A NOTICE THAT  
25 THE COURT IS REQUIRED TO CONSIDER THE SENTENCING GUIDELINES, BUT

1 THAT IT IS ULTIMATELY WITHIN THE COURT'S DISCRETION TO SENTENCE  
2 THE DEFENDANT TO ANY SENTENCE UP TO AND INCLUDING THE STATUTORY  
3 MAXIMUM AND THAT NO ONE CAN PREDICT HIS SENTENCE AT THIS TIME.

4 PARAGRAPH FIVE WHICH INCORPORATES EXHIBIT A SETS FORTH A  
5 FACTUAL BASIS. THIS FACTUAL BASIS IS INTENDED TO SUPPORT THIS  
6 GUILTY PLEA, BUT DOES NOT SET FORTH ALL OF THE FACTS THAT ARE  
7 KNOWN TO THE PARTIES AT THIS TIME. PARAGRAPH SIX SETS FORTH --  
8 EXCUSE ME, SIX AND SEVEN SET FORTH SOME SENTENCING FACTORS THAT  
9 THE PARTIES ARE AGREEING TO. IN PARAGRAPH SIX THE PARTIES ARE  
10 AGREEING THAT THE QUANTITY OF CONTROLLED SUBSTANCE ATTRIBUTABLE  
11 TO THE DEFENDANT FOR SENTENCING PURPOSES IS MORE THAN 150 KILOS  
12 OF COCAINE. AND THEN IN PARAGRAPH B THE PARTIES ARE RESERVING  
13 THE RIGHT TO ARGUE THAT SPECIFIC -- OTHER SPECIFIC OFFENSE  
14 CHARACTERISTICS AND ADJUSTMENTS MAY BE APPROPRIATE. AND IN  
15 PARAGRAPH SEVEN THE DEFENDANT IS ACKNOWLEDGING THAT WITH RESPECT  
16 TO THE GOVERNMENT'S RECOMMENDATIONS, ANYWHERE IN THE AGREEMENT,  
17 THAT THE GOVERNMENT SHOULD LEARN FACTS SUCH THAT ARE  
18 INCONSISTENT WITH THE GOVERNMENT'S AGREEMENT, THE GOVERNMENT  
19 WILL NOT HAVE TO MAKE THOSE RECOMMENDATIONS. IT CAN INFORM THE  
20 COURT AND THE PROBATION OFFICE OF THOSE FACTS.

21 PARAGRAPH EIGHT SETS FORTH AN ASSET FORFEITURE PROVISION.  
22 PARAGRAPHS NINE THROUGH 11 SET FORTH THE DEFENDANT'S  
23 OBLIGATIONS. IN PARAGRAPH NINE THE DEFENDANT IS ADMITTING THAT  
24 HE HAS IN FACT BEEN CONVICTED OF A PRIOR FELONY DRUG OFFENSE  
25 WHICH HAS BECOME FINAL. AND THEN PARAGRAPHS TEN AND 11 HAVE TO

1 DO WITH PAYMENT OF THE -- ANY FINE THAT THE COURT MAY ULTIMATELY  
2 IMPOSE AS WELL AS A SPECIAL ASSESSMENT. PARAGRAPHS 12 THROUGH  
3 15 SET FORTH THE GOVERNMENT'S OBLIGATIONS. THE GOVERNMENT IS  
4 AGREEING TO ACCEPTANCE OF RESPONSIBILITY RECOMMENDATIONS IN  
5 PARAGRAPH 12. IN PARAGRAPH 13 THE GOVERNMENT IS NOT -- EXCUSE  
6 ME, IT'S AGREEING NOT TO PURSUE AN ENHANCEMENT BASED ON THE  
7 DEFENDANT'S SECOND OR SUBSEQUENT -- I DON'T KNOW IF IT IS A  
8 SUBSEQUENT, BUT ANOTHER FELONY DRUG CONVICTION WHICH IT HAD  
9 GIVEN NOTICE PURSUANT TO SECTION 851 OF TITLE 21. IN PARAGRAPH  
10 14 THE GOVERNMENT AGREES NOT TO BRING FURTHER CHARGES AGAINST  
11 THE DEFENDANT. AND THEN IN PARAGRAPH 15 THE GOVERNMENT RESERVES  
12 THE RIGHT TO INFORM THE COURT AND THE PROBATION OFFICE OF ALL  
13 FACTS AND CIRCUMSTANCES REGARDING THE DEFENDANT IN THIS CASE.

14 PARAGRAPH 16 IS A WAIVER OF COLLATERAL ATTACK AND APPEAL.  
15 SPECIFICALLY THE DEFENDANT IS WAIVING HIS RIGHT TO APPEAL ANY  
16 FORFEITURE, CONVICTION, AND SENTENCE, AS WELL AS THE RIGHT TO  
17 COLLATERALLY ATTACK HIS CONVICTION, SENTENCE, AND FORFEITURE ON  
18 ANY GROUND EXCEPT FOR THAT THE DEFENDANT MAY FILE A DIRECT  
19 APPEAL OF A SENTENCE HIGHER THAN THE OTHERWISE APPLICABLE  
20 ADVISORY SENTENCING GUIDELINE RANGE. AND THE DEFENDANT IS  
21 ACKNOWLEDGING THAT THIS PROVISION DOES NOT LIMIT THE  
22 GOVERNMENT'S RIGHT TO APPEAL, BUT IF THE GOVERNMENT DOES APPEAL  
23 THE SENTENCE, THE DEFENDANT IN THAT CASE MAY ALSO FILE A CROSS  
24 APPEAL OF THE SENTENCE.

25 PARAGRAPH 17 AND 18 ARE WAIVERS OF FURTHER RIGHTS, 17

1 HAVING TO DO WITH D.N.A. TESTING, AND, 18, THE FREEDOM OF  
2 INFORMATION ACT. PARAGRAPH 19 SETS FORTH WHAT WOULD HAPPEN IF  
3 DEFENDANT WERE TO BREACH THIS AGREEMENT. PARAGRAPH 20 IS AN  
4 AGREEMENT -- OR AN UNDERSTANDING THIS AGREEMENT IS NOT BINDING  
5 ON THE COURT. AND THEN PARAGRAPH 21 IS AN ACKNOWLEDGMENT THAT  
6 THIS IS THE COMPLETE AGREEMENT THAT THE PARTIES HAVE.

7 BY THE COURT:

8 Q. ALL RIGHT. MR. JIMENEZ, YOU HEARD MS. HATHAWAY DESCRIBE  
9 THE AGREEMENT YOU HAVE WITH THE GOVERNMENT. DID SHE DESCRIBE IT  
10 IN KEEPING WITH YOUR UNDERSTANDING OF THAT AGREEMENT?

11 A. YES, YOUR HONOR.

12 Q. IN ADDITION TO HEARING WHAT SHE HAD TO SAY ABOUT IT, HAVE  
13 YOU GONE OVER THE DOCUMENT WITH MR. TAYLOR?

14 A. YES, MA'AM.

15 Q. DO YOU UNDERSTAND IT?

16 A. YES, MA'AM.

17 Q. DO YOU HAVE ANY QUESTIONS ABOUT IT?

18 A. NO, YOUR HONOR.

19 Q. OKAY. I WANTED TO JUST POINT OUT A FEW THINGS ABOUT IT.  
20 THIS IS AN AGREEMENT BETWEEN YOU AND THE GOVERNMENT, BUT THE  
21 JUDGE THAT'S GOING TO BE SENTENCING YOU IS NOT A PARTY TO IT AND  
22 HE'S NOT BOUND BY IT. DO YOU UNDERSTAND THAT?

23 A. YES, YOUR HONOR.

24 Q. OKAY. THE WORST THING THAT CAN MEAN FOR YOU IS THAT HE  
25 DECIDES TO SENTENCE YOU MORE HARSHLY THAN WHAT YOU ALL HAVE

1 TALKED ABOUT, AND IF HE DECIDED TO DO THAT, HE COULD, AND YOU  
2 WOULD STILL BE BOUND BY YOUR GUILTY PLEA. DO YOU UNDERSTAND  
3 THAT?

4 A. YES, YOUR HONOR.

5 Q. OKAY. IS THIS WRITTEN PLEA AGREEMENT THE ONLY AGREEMENT  
6 YOU HAVE WITH THE GOVERNMENT?

7 A. YES, YOUR HONOR.

8 Q. DID ANYBODY PROMISE YOU SOMETHING THAT'S NOT WRITTEN DOWN  
9 HERE TO CAUSE YOU TO COME PLEAD GUILTY TODAY?

10 A. NO, MA'AM.

11 Q. DID ANYBODY MAKE YOU A PROMISE ABOUT WHAT YOUR SPECIFIC  
12 SENTENCE WOULD BE?

13 A. NO, YOUR HONOR.

14 Q. DID ANYBODY THREATEN YOU TO CAUSE YOU TO COME HERE AND  
15 PLEAD GUILTY TODAY?

16 A. NO, YOUR HONOR.

17 Q. DID ANYBODY TELL YOU THAT IF YOU DON'T PLEAD GUILTY NEW  
18 CHARGES WOULD BE BROUGHT AGAINST YOU OR SOMETHING ELSE BAD WOULD  
19 HAPPEN TO YOU?

20 A. NO, YOUR HONOR.

21 Q. DID ANYBODY TELL YOU TO TELL ME ANYTHING OTHER THAN THE  
22 TRUTH?

23 A. NO, YOUR HONOR.

24 THE COURT: OKAY. I'M JUST GOING TO ASK COUNSEL, DID  
25 EITHER ONE OF YOU MAKE A PROMISE TO MR. JIMENEZ ABOUT WHAT HIS

1 SPECIFIC SENTENCE WOULD BE, MS. HATHAWAY?

2 MS. HATHAWAY: NO, YOUR HONOR.

3 THE COURT: MR. TAYLOR?

4 MR. TAYLOR: NONE, YOUR HONOR.

5 THE COURT: ARE EITHER ONE OF YOU AWARE OF ANY BARGAIN  
6 AFFECTING HIS OFFER OF A PLEA OF GUILTY OTHER THAN THE WRITTEN  
7 PLEA AGREEMENT, MS. HATHAWAY?

8 MS. HATHAWAY: NO, YOUR HONOR. AND I WOULD TELL THE  
9 COURT I THINK MR. JIMENEZ HAD COUNSEL FROM ANOTHER PREVIOUS CASE  
10 OF HIS WHO I BELIEVE ALSO CONSULTED WITH HIM SO THAT HE ACTUALLY  
11 HAS CONSULTED WITH TWO ATTORNEYS FOR THIS PLEA AGREEMENT, BUT  
12 THERE ARE NO OTHER BARGAINS THAT I KNOW OF.

13 THE COURT: OKAY.

14 MR. TAYLOR: NO BARGAINS, JUDGE.

15 THE COURT: OKAY. NOW I WANT TO TALK ABOUT THE FACTS  
16 OF YOUR CASE, MR. JIMENEZ, AND I'M GOING TO ASK MS. HATHAWAY  
17 JUST TO DO THAT. I GUESS I COULD JUST --

18 MS. HATHAWAY: I CAN READ IT, YOUR HONOR.

19 THE COURT: OKAY. ARE YOU GOING TO READ THE WHOLE  
20 THING? BASICALLY WHAT HE DID WAS MAINTAIN STASH HOUSES?

21 MS. HATHAWAY: YOUR HONOR, THIS CASE INVOLVES AN  
22 ORGANIZATION THAT WAS IMPORTING SIGNIFICANT AMOUNTS OF COCAINE  
23 AS WELL AS TAKING THE PROCEEDS ONCE THAT COCAINE WAS SOLD AND  
24 BRINGING IT BACK TO MEXICO IN A CONCEALED FASHION IN ORDER TO  
25 PROMOTE THESE DRUG TRAFFICKING ACTIVITIES. THE DEFENDANT WAS

1 ONE OF THE MAJOR DISTRIBUTORS FOR THIS ORGANIZATION. HE WAS  
2 OBTAINING LARGE AMOUNTS OF COCAINE. HE -- WHEN HE WAS ARRESTED  
3 HE WAS ACTUALLY ARRESTED IN FLORIDA, BUT HE WORKED WITH OTHER  
4 PEOPLE, INCLUDING JULIAN ORTUNA-HERRERA, AND MAINTAINED AT LEAST  
5 TWO STASH HOUSES HERE IN THE ATLANTA AREA. ONE IS AT APALOOSA  
6 TRAIL IN NORCROSS, GEORGIA. THE ADDRESS IS 4985 APALOOSA TRAIL.  
7 THERE WAS A SECOND STASH HOUSE AT 2615 INGRAM ROAD IN NORCROSS,  
8 GEORGIA.

9 ULTIMATELY WHEN THE CASE WAS TAKEN DOWN AND A REVIEW OF  
10 DRUG LEDGERS WERE DONE, THESE LEDGERS, BEING AT SORT OF THE MAIN  
11 CONTROLLER'S HOUSE, THOSE LEDGERS INDICATED THAT BETWEEN JULY OF  
12 2007, AND DECEMBER 4TH OF 2007, THE DEFENDANT HAD DELIVERED BACK  
13 TO THE UPPER LEVELS OF THE ORGANIZATION FOR TRANSPORTATION BACK  
14 TO MEXICO OVER \$3.7 MILLION IN COCAINE PROCEEDS, AND THIS  
15 REPRESENTS THE SALE OF MORE OR AT LEAST 187 KILOGRAMS OF  
16 COCAINE.

17 THE COURT: YOU WANT TO GIVE ME THE ELEMENTS OF THE  
18 MONEY LAUNDERING COUNT, PLEASE?

19 MS. HATHAWAY: CERTAINLY, YOUR HONOR. IT'S A MONEY  
20 LAUNDERING CONSPIRACY, AND THE ELEMENTS ARE: FIRST, THAT TWO OR  
21 MORE PERSONS IN SOME WAY OR MANNER CAME TO A MUTUAL  
22 UNDERSTANDING TO TRY AND ACCOMPLISH A COMMON AND UNLAWFUL PLAN  
23 TO VIOLATE TITLE 18, UNITED STATES CODE, SECTION 1956 AS CHARGED  
24 IN COUNT 20. AND SPECIFICALLY THAT IS TO KNOWINGLY AND  
25 WILLFULLY TRANSPORT OR ATTEMPT TO TRANSPORT FUNDS, THAT IS,

1 UNITED STATES CURRENCY, FROM A PLACE IN THE UNITED STATES, IN  
2 THIS CASE, ATLANTA, GEORGIA, TO A PLACE OUTSIDE THE UNITED  
3 STATES, IN THIS CASE MEXICO, WITH THE INTENT TO PROMOTE THE  
4 CARRYING ON OF THE SPECIFIED UNLAWFUL ACTIVITY, HERE, THE DRUG  
5 TRAFFICKING ACTIVITIES. AND, SECOND, THAT THE DEFENDANT KNOWING  
6 OF THE UNLAWFUL PURPOSE OF THE PLAN WILLFULLY JOINED IN IT.

7 THE COURT: OKAY. THANK YOU.

8 BY THE COURT:

9 Q. MR. JIMENEZ, YOU'VE HEARD MS. HATHAWAY DESCRIBE YOUR  
10 INVOLVEMENT IN THIS DRUG CONSPIRACY, AND SHE TELLS ME THAT YOU  
11 PARTICIPATED IN STORING COCAINE WHEN IT CAME INTO THE COUNTRY  
12 AND THAT YOU PARTICIPATED IN GETTING THE MONEY FROM THE SALES OF  
13 THE DRUGS OUT OF THE COUNTRY. DID YOU DO THAT?

14 A. I DIDN'T UNDERSTAND, YOUR HONOR.

15 THE COURT: OH, I'M SORRY.

16 MR. TAYLOR: MAY I CLARIFY ONE POINT, JUDGE?

17 THE COURT: YES.

18 MR. TAYLOR: I JUST WANT TO CLARIFY I THINK THAT THE  
19 FACTS THAT MY CLIENT AND I AGREED TO IN EXHIBIT A WE AGREED TO  
20 AS WRITTEN IN EXHIBIT A. IT MAY BE A LITTLE BIT DIFFERENT THAN  
21 WAS DESCRIBED AS FAR AS MY CLIENT'S ROLE IN ALL OF THIS. ALSO,  
22 IT'S DESCRIBED -- I THINK IT WAS OVER \$300 MILLION -- I'M SORRY,  
23 \$3 MILLION AT -- WITH CO-DEFENDANTS.

24 THE COURT: RIGHT.

25 MR. TAYLOR: AND I JUST WANT TO CLARIFY. I KNOW MY



1 CLIENT MAY FEEL UNCOMFORTABLE SAYING THAT HE WAS DIRECTLY  
2 RESPONSIBLE FOR THAT --

3 THE COURT: MY QUESTION WAS REALLY MORE GENERAL THAN  
4 THAT. I WAS JUST ASKING HIM IF HE PARTICIPATED IN THIS  
5 CONSPIRACY. AND AS I UNDERSTAND WHAT THE CONSPIRACY DID WAS  
6 BROUGHT COCAINE INTO THE COUNTRY AND THEN STORED IT HERE, AND  
7 ONCE THE DRUGS WERE SOLD, THE CONSPIRACY TOOK THE MONEY BACK  
8 FROM THE UNITED STATES TO MEXICO. AND SO I UNDERSTAND THAT'S  
9 WHAT THE CONSPIRACY DID. AND MY QUESTION TO HIM WAS, DID HE  
10 PARTICIPATE IN THAT CONSPIRACY.

11 MR. JIMENEZ-CASTILLO: YES, I DID, YOUR HONOR.  
12 BY THE COURT:

13 Q. OKAY. AND IN TERMS OF, I GUESS, THE MONEY AMOUNT AND THE  
14 COCAINE AMOUNTS SET FORTH IN THE EXHIBIT, THE PART OF YOUR PLEA  
15 AGREEMENT, RELATE TO THE ENTIRE ACTIVITY OF THE CONSPIRACY. DO  
16 YOU UNDERSTAND THAT AND AGREE WITH THAT, MR. JIMENEZ?

17 A. YES.

18 MS. HATHAWAY: AND ACTUALLY, YOUR HONOR, JUST FOR THE  
19 RECORD TO BE CLEAR, THOSE LEDGERS INDICATED THAT THERE WAS  
20 SOMETHING LIKE \$155 MILLION OVER A -- I BELIEVE A TEN-MONTH  
21 PERIOD. THE 3.7 MILLION COME FROM LEDGERS UNDER THE NAME OF  
22 JOSE, WHICH IS A NICKNAME THAT THE DEFENDANT USED, AND JULIAN,  
23 WHICH WAS THE PERSON HERE FROM A COURT (SIC) IN ATLANTA, SO THAT  
24 3.7 MILLION IS ACTUALLY ATTRIBUTABLE. AND I UNDERSTAND THE  
25 DEFENDANT MAY NOT WANT TO AGREE TO THAT RIGHT NOW, BUT I WANTED

1 TO INDICATE TO THE COURT THAT IT IS HIS DIRECT PARTICIPATION.  
2 HE WAS SELLING THE COCAINE (SIC).

3 THE COURT: IN TERMS OF WHAT I COVER WITH HIM, I'M  
4 SATISFIED THERE IS A FACTUAL BASIS FOR THE PLEA. ARE YOU?

5 MS. HATHAWAY: THAT'S FINE, YOUR HONOR. I JUST DIDN'T  
6 WANT TO LEAVE A MISIMPRESSION WITH THE COURT.

7 THE COURT: WITH THESE STATUTORY MANDATORY MINIMUMS  
8 DOES IT MATTER REALLY?

9 MS. HATHAWAY: AS LONG AS HE AGREES THAT IT'S MORE  
10 THAN FIVE KILOS OF COCAINE THAT WAS PART OF THIS CONSPIRACY,  
11 THEN THAT'S FINE.

12 THE COURT: WELL, WHY DON'T I JUST ASK HIM THAT. AND,  
13 AGAIN, THAT'S THE CONSPIRACY. THAT'S NOT HIS INDIVIDUAL  
14 PARTICIPATION?

15 MS. HATHAWAY: AND --

16 THE COURT: RIGHT?

17 MS. HATHAWAY: THAT'S CORRECT, ALTHOUGH I WILL SAY WE  
18 HAVE CALLS WHERE HE ORDERED UP 30 KILOS.

19 MR. TAYLOR: I'M SURE WITH THE P.S.I. AND THE  
20 SENTENCING, I'M SURE THAT'LL BE A ISSUE, BUT I THINK FOR  
21 PURPOSES OF TODAY THAT THAT'S -- HE WOULD AGREE THAT IT'S AT  
22 LEAST FIVE KILOGRAMS.

23 THE COURT: OKAY. I'D LIKE TO HEAR HIM TELL ME THAT.  
24 BY THE COURT:

25 Q. YOU WOULD AGREE THAT THE CONSPIRACY INVOLVED AT LEAST FIVE

1 KILOGRAMS OF COCAINE, WOULD YOU NOT, MR. JIMENEZ?

2 A. YES, YOUR HONOR.

3 THE COURT: OKAY. MR. TAYLOR, I'M SURE YOU'VE GONE  
4 OVER THE EVIDENCE IN THIS CASE WITH YOUR CLIENT.

5 MR. TAYLOR: YES, YOUR HONOR.

6 THE COURT: IS HE PLEADING GUILTY, TO YOUR KNOWLEDGE,  
7 BECAUSE OF ANY ILLEGALLY OBTAINED EVIDENCE IN THE POSSESSION OF  
8 THE GOVERNMENT?

9 MR. TAYLOR: NO, YOUR HONOR.

10 THE COURT: ALL RIGHT. I FIND THERE IS A FACTUAL  
11 BASIS FOR MR. JIMENEZ TO PLEAD GUILTY TO THESE TWO COUNTS.

12 BY THE COURT:

13 Q. AND NOW, MR. JIMENEZ, WHAT I WANT TO TALK TO YOU ABOUT IS  
14 YOUR PUNISHMENT. AND THERE ARE SEVERAL THINGS THAT THE JUDGE  
15 WILL HAVE TO CONSIDER IN DETERMINING WHAT THAT WILL BE. THE  
16 FIRST THING IS THE STATUTE, AND THE STATUTORY PENALTIES ARE SET  
17 FORTH IN YOUR PLEA AGREEMENT ON PAGE THREE AND FOUR. AND I  
18 GUESS THE MOST IMPORTANT THING THAT I SEE ABOUT THAT IS THAT THE  
19 JUDGE WILL BE REQUIRED TO SENTENCE YOU TO NO LESS THAN 20 YEARS,  
20 AND UNDER THE STATUTE HE CAN SENTENCE YOU UP TO LIFE, AS I  
21 UNDERSTAND IT. DO YOU UNDERSTAND THAT, MR. JIMENEZ?

22 A. YES, YOUR HONOR.

23 Q. IN ADDITION TO THE STATUTE, THE JUDGE WILL HAVE TO CONSULT  
24 THE UNITED STATES SENTENCING GUIDELINES. MR. JIMENEZ, HAVE YOU  
25 TALKED TO YOUR LAWYER OR LAWYERS ABOUT THE UNITED STATES

1 SENTENCING GUIDELINES AND HOW THAT CALCULATION MIGHT WORK IN  
2 YOUR CASE?

3 A. YES, YOUR HONOR.

4 Q. OKAY. WHAT I WANTED TO BE SURE YOU UNDERSTOOD ABOUT THAT  
5 TODAY IS THAT WE CAN'T KNOW THE SENTENCING GUIDELINE CALCULATION  
6 EXACTLY TODAY, BECAUSE AFTER TODAY THE PROBATION OFFICE IS GOING  
7 TO DO AN INVESTIGATION OF YOU AND THEY'RE GOING TO WRITE A  
8 REPORT, AND IT'S NOT UNTIL THEY'VE DONE THAT THAT WE CAN KNOW  
9 FOR SURE WHAT YOUR GUIDELINE RANGE WILL BE. DO YOU UNDERSTAND  
10 THAT?

11 A. YES, YOUR HONOR.

12 Q. IF IT TURNS OUT THAT THE GUIDELINE CALCULATION OR -- I  
13 THINK I'VE ALREADY COVERED THIS, BUT LET ME JUST DO IT AGAIN.  
14 IF IT TURNS OUT THAT THE GUIDELINE CALCULATION IS DIFFERENT THAN  
15 WHAT YOU AND YOUR LAWYER HAVE TALKED ABOUT, DO YOU UNDERSTAND  
16 YOU'LL STILL BE BOUND BY YOUR PLEA OF GUILTY AND YOU WILL NOT  
17 HAVE A RIGHT TO WITHDRAW YOUR GUILTY PLEA?

18 A. YES, YOUR HONOR.

19 Q. OKAY. I WANT TO TALK TO YOU ABOUT THE APPEAL WAIVER,  
20 BECAUSE THAT'S IMPORTANT. BY YOUR AGREEMENT WITH THE GOVERNMENT  
21 YOU ARE WAIVING ALL RIGHT TO TAKE ANY DIRECT APPEAL OF YOUR  
22 CONVICTION OR YOUR SENTENCE UNLESS JUDGE PANNELL SENTENCES YOU  
23 ABOVE THE GUIDELINE RANGE OR UNLESS THE GOVERNMENT APPEALS. DO  
24 YOU UNDERSTAND THAT?

25 A. YES, YOUR HONOR.

1 Q. YOU'RE ALSO WAIVING ALL RIGHT TO COLLATERALLY ATTACK YOUR  
2 SENTENCE BY WAY OF A SEPARATE PLEADING IN A HABEAS CORPUS  
3 PROCEEDING OR A SECTION 2255 PROCEEDING. DO YOU UNDERSTAND  
4 THAT?

5 A. YES, YOUR HONOR.

6 THE COURT: OKAY. MR. TAYLOR, I'M ASSUMING YOU'VE  
7 TALKED TO MR. JIMENEZ SPECIFICALLY ABOUT THE APPEAL WAIVER.

8 MR. TAYLOR: YES, YOUR HONOR.

9 THE COURT: ALL RIGHT. AS BEST YOU CAN TELL HE  
10 UNDERSTANDS THE CONSEQUENCES OF THAT?

11 MR. TAYLOR: YES, YOUR HONOR.

12 THE COURT: OKAY.

13 BY THE COURT:

14 Q. MR. JIMENEZ, DO YOU HAVE ANY QUESTIONS ABOUT THE APPEAL  
15 WAIVER?

16 A. NO, YOUR HONOR.

17 Q. OKAY. YOUR PLEA AGREEMENT MENTIONED THAT THE STATUTE  
18 REQUIRES A TERM OF SUPERVISED RELEASE FOR YOU. I WANT TO BE  
19 SURE YOU KNOW WHAT THAT IS. THAT WOULD BE A PERIOD OF TIME  
20 AFTER YOU ARE RELEASED FROM JAIL DURING WHICH YOU HAVE TO LIVE  
21 BY CERTAIN RULES. IF YOU VIOLATE THOSE RULES YOU CAN BE SENT  
22 BACK TO JAIL. DO YOU UNDERSTAND THAT?

23 A. YES, YOUR HONOR.

24 Q. A PART OF YOUR SENTENCE WILL BE A SPECIAL ASSESSMENT OF  
25 \$200. DO YOU UNDERSTAND THAT?

1 A. YES, YOUR HONOR.

2 THE COURT: ARE THERE FORFEITURE ISSUES HERE?

3 MS. HATHAWAY: YOUR HONOR, AGAIN, I THINK MOST THINGS  
4 WERE ADMINISTRATIVELY FORFEITED. THE DEFENDANT WAS FOUND AT A  
5 LOCATION IN FLORIDA. LIKE I SAID, I THINK EVERYTHING FROM THERE  
6 HAS BEEN FORFEITED, BUT IT'S JUST KIND OF BELT AND SUSPENDER  
7 THAT ANYTHING THAT WAS A PART OF THESE OFFENSES COULD BE  
8 FORFEITED.

9 THE COURT: IS THERE ANYTHING ABOUT THAT IN YOUR PLEA  
10 AGREEMENT OR AM I JUST MISSING IT?

11 MS. HATHAWAY: YES, YOUR HONOR. IT'S PARAGRAPH EIGHT  
12 ON PAGE SIX.

13 THE COURT: OH, OKAY. MR. TAYLOR, IS THERE ANYTHING  
14 YOU'RE WORRIED ABOUT IN THAT REGARD?

15 MR. TAYLOR: NO, JUDGE.

16 THE COURT: OKAY.

17 BY THE COURT:

18 Q. MR. JIMENEZ, ARE YOU A UNITED STATES CITIZEN?

19 A. NO, YOUR HONOR.

20 Q. SO I FEEL SURE YOU KNOW, BUT YOU'LL BE DEPORTED AS A RESULT  
21 OF THIS CONVICTION. DO YOU UNDERSTAND THAT?

22 A. YES, YOUR HONOR.

23 Q. OKAY. AND THERE ARE PENALTIES FOR RE-ENTERING WITHOUT  
24 PERMISSION. I'M SURE YOU UNDERSTAND THAT AS WELL?

25 A. YES, YOUR HONOR.

1 Q. IS THERE ANYTHING I'VE SAID TO YOU TODAY THAT YOU DIDN'T  
2 UNDERSTAND OR YOU'D LIKE FOR ME TO CLARIFY NOW?

3 A. EVERYTHING IS CLEAR, YOUR HONOR.

4 Q. OKAY. DO YOU FEEL LIKE YOU'VE HAD ENOUGH TIME TO THINK  
5 ABOUT THIS AND TALK TO MR. TAYLOR ABOUT IT BEFORE COMING HERE  
6 TODAY?

7 A. YES, YOUR HONOR.

8 THE COURT: DO YOU FEEL THAT WAY AS WELL, MR. TAYLOR?

9 MR. TAYLOR: YES, YOUR HONOR.

10 BY THE COURT:

11 Q. ALL RIGHT. MR. JIMENEZ, ARE YOU PLEASED WITH MR. TAYLOR  
12 AND THE REPRESENTATION AND THE ADVICE HE'S GIVEN YOU IN THIS  
13 CASE?

14 A. YES, YOUR HONOR.

15 Q. MR. JIMENEZ, DO YOU KNOW OF ANY REASON WHY I SHOULD NOT  
16 ALLOW YOU TO PLEAD GUILTY TO THESE CHARGES?

17 A. NO, YOUR HONOR.

18 THE COURT: THEN I'M GOING TO ACCEPT YOUR OFFER OF A  
19 PLEA OF GUILTY TO THESE TWO COUNTS.

20 I FIND THAT MR. JIMENEZ UNDERSTANDS THE CHARGES AGAINST HIM  
21 AND THE CONSEQUENCES OF PLEADING GUILTY TO THESE TWO COUNTS.  
22 I'VE OBSERVED MR. JIMENEZ DURING THIS PROCEEDING. HE DOES NOT  
23 APPEAR TO BE UNDER THE INFLUENCE OF ANY SUBSTANCE THAT MIGHT  
24 AFFECT HIS ABILITY TO UNDERSTAND WHAT WE'VE DONE OR HIS JUDGMENT  
25 IN MAKING THE DECISION TO PLEAD GUILTY TO THESE CHARGES. I FIND

1 THAT MR. JIMENEZ'S OFFER OF A PLEA OF GUILTY TO COUNTS ONE AND  
2 COUNT 20 OF THE INDICTMENT HAS A FACTUAL BASIS. I FIND THAT  
3 IT'S FREE OF ANY COERCIVE INFLUENCE OF ANY KIND. I FIND THAT  
4 IT'S VOLUNTARILY MADE WITH A FULL KNOWLEDGE OF THE CHARGES  
5 AGAINST HIM AND THE CONSEQUENCES OF PLEADING GUILTY TO THESE  
6 CHARGES. I FIND THAT MR. JIMENEZ IS COMPETENT TO UNDERSTAND  
7 THESE PROCEEDINGS AND ENTER A KNOWING PLEA OF GUILTY. I FIND  
8 THERE HAVE BEEN NO PROMISES OF ANY KIND MADE TO MR. JIMENEZ BY  
9 ANYONE EXCEPT THOSE SET FORTH IN THE WRITTEN PLEA AGREEMENT  
10 THAT'S BEEN FILED HERE IN OPEN COURT TODAY. IT'S HEREBY ORDERED  
11 THAT MR. JIMENEZ'S OFFER OF A PLEA OF GUILTY TO COUNTS ONE AND  
12 20 OF THE INDICTMENT IS ACCEPTED AND ENTERED.

13 MR. JIMENEZ, YOU'RE HEREBY ADJUDGED GUILTY OF THOSE TWO  
14 COUNTS. AND I DON'T HAVE A SENTENCING DATE SINCE I'M NOT GOING  
15 TO BE DOING IT, BUT YOU'LL GET ONE FROM JUDGE PANNELL. OKAY.

16 MS. HATHAWAY: YOUR HONOR, THERE'S JUST ONE THING, AND  
17 THIS IS IN THE PLEA AGREEMENT, BUT WE WENT OVER THE ELEMENTS OF  
18 COUNT 20, BUT DIDN'T GO OVER THE ELEMENTS OF COUNT ONE.

19 THE COURT: YOU WANT ME TO DO IT?

20 BY THE COURT:

21 Q. MR. JIMENEZ, YOU'RE ENTITLED TO KNOW THE STATUTORY ELEMENTS  
22 OF A CRIME, AND REALLY THE PURPOSE OF THAT IS SO YOU CAN BE SURE  
23 YOU MEET THE QUALIFICATIONS TO BE ADJUDGED GUILTY OF THE CRIME.  
24 AND I EXPLAINED THE ELEMENTS OF THE MONEY LAUNDERING -- OR  
25 MS. HATHAWAY DID -- BUT NOT THE DRUG TRAFFICKING COUNT. SO I



1 WANT TO TELL YOU THAT IN ORDER FOR YOU TO BE ADJUDGED GUILTY OF  
2 COUNT ONE, IS YOU WOULD HAVE TO HAVE AN AGREEMENT OR ARRANGEMENT  
3 WITH AT LEAST ONE OTHER PERSON TO DO SOMETHING THAT THE LAW  
4 PROHIBITS, IN THIS CASE IT IS POSSESSION WITH INTENT TO  
5 DISTRIBUTE AT LEAST FIVE KILOGRAMS OF COCAINE. SO I NEED TO  
6 JUST BE SURE YOU UNDERSTAND THAT AND THAT YOU CONTINUE TO TELL  
7 ME THAT YOU'RE GUILTY OF THAT COUNT.

8 A. YES.

9 THE COURT: OKAY. THANK YOU.

10 MS. HATHAWAY: THANK YOU, YOUR HONOR.

11 THE COURT: ANYTHING ELSE WE NEED TO TALK ABOUT?

12 MR. TAYLOR: NO, JUDGE.

13 MS. HATHAWAY: NO, YOUR HONOR. THANK YOU.

14 THE COURT: GOOD LUCK TO YOU, MR. JIMENEZ, AND THAT  
15 CONCLUDES THIS PROCEEDING. YOU ALL ARE EXCUSED.

16 MR. TAYLOR: THANK YOU, JUDGE.

17 (PROCEEDINGS ADJOURNED.)

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## C E R T I F I C A T E

UNITED STATES OF AMERICA

NORTHERN DISTRICT OF GEORGIA

I, MONTRELL VANN, CCR, CSR, RPR, RMR, CRR, OFFICIAL COURT REPORTER OF THE UNITED STATES DISTRICT COURT, FOR THE NORTHERN DISTRICT OF GEORGIA, DO HEREBY CERTIFY THAT THE FOREGOING 25 PAGES CONSTITUTE A TRUE TRANSCRIPT OF PROCEEDINGS HAD BEFORE THE SAID COURT, HELD IN THE CITY OF ATLANTA, GEORGIA, IN THE MATTER THEREIN STATED.

IN TESTIMONY WHEREOF, I HEREUNTO SET MY HAND ON THIS, THE 28TH DAY OF MAY 2010.

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MONTRELL VANN, CCR, CSR, RPR, RMR, CRR  
OFFICIAL COURT REPORTER  
UNITED STATES DISTRICT COURT